

REMARKS

I. Introduction

Claims 14 to 28 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

II. Rejection of Claims 14 to 16, 18 to 20, 23, 24, 27, and 28 Under 35 U.S.C. § 103(a)

Claims 14 to 16, 18 to 20, 23, 24, 27, and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of U.S. Patent No. 3,662,255 ("Garrett") and U.S. Patent No. 5,325,873 ("Hirschi"). For at least the following reasons, Applicants respectfully submit that the combination of Garrett and Hirschi does not render unpatentable these claims.

Claim 14 relates to a hand-held locating device for detecting an object enclosed in a medium, and includes, in relevant part, a housing with an opening penetrating therethrough and a sensor system. Claim 14 has been amended to include the feature that the sensor system surrounds the opening. Support for this amendment can be found, for example, on page 13, lines 24 to 28 of the specification, as well as Figure 2. By having the sensor system surround the opening, the measuring device is located in the area of maximum measuring device sensitivity and object enclosed in a medium can be located as precisely as possible.

Garrett does not disclose, or even suggest, a sensor system surrounding an opening. To the contrary, Garrett discloses, *e.g.*, in Fig. 9, that reference numeral 32a or 50a (which the Examiner alleges to be an opening) **surrounds the sensor system** 52, not that the sensor system **surrounds the opening** as in the present claim. Hirschi does not cure this deficiency of Garrett.

It is therefore respectfully submitted that the combination of Garrett and Hirschi does not render unpatentable claim 15, 16, 18 to 20, 23, and 24, which depend from claim 14.

Claims 27 and 28, as amended, include subject matter analogous to that of claim 14. It is therefore respectfully submitted that the combination of Garrett and Hirschi does not render unpatentable claims 27 and 28 for at least the same reasons set forth above in support of the patentability of claim 14.

Withdrawal of the present rejection is therefore respectfully requested.

III. Rejection of Claim 17 Under 35 U.S.C. § 103(a)

Claim 17 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Garrett and U.S. Patent No. 4,859,931 (“Yamashita”). For at least the following reasons, Applicants respectfully submit that the combination of Garrett and Yamashita does not render unpatentable claim 17.

Claim 17 depends from claim 14 and therefore incorporates all of the features of claim 14. For at least the reasons set forth above with respect to claim 14, Garrett does not disclose, or even suggest, all of the features of claim 14. Yamashita does not cure the critical deficiencies set forth above. As such, the combination of Garrett and Yamashita does not disclose or suggest all of the features of independent claim 14 or dependent claim 17, and therefore does not render unpatentable the presently pending claim.

Withdrawal of the present rejection is therefore respectfully requested

IV. Rejection of Claims 21 and 22 Under 35 U.S.C. § 103(a)

Claims 21 and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Garrett in view of U.S. Patent No. 6,266,006 (“Audet”). For at least the following reasons, Applicants respectfully submit that the combination of Garrett and Audet does not render unpatentable claims 21 and 22.

Claims 21 and 22 depend from claim 14 and therefore incorporate all of the features of claim 14. For at least the reasons set forth above with respect to claim 14, Garrett does not disclose, or even suggest, all of the features of claim 14. Audet does not cure the critical deficiencies set forth above. As such, the combination of Garrett and Audet does not disclose or suggest all of the features of independent claim 14 or dependent claims 21 and 22, and therefore does not render unpatentable the presently pending claims.

Withdrawal of the present rejection is therefore respectfully requested.

V. Rejection of Claim 25 Under 35 U.S.C. § 103(a)

Claim 25 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Garrett and U.S. Patent No. 6,844,713 (“Steber”). For at

least the following reasons, Applicants respectfully submit that the combination of Garrett and Steber does not render unpatentable claim 25.

Claim 25 depends from claim 14 and therefore incorporates all of the features of claim 14. For at least the reasons set forth above with respect to claim 14, Garrett does not disclose, or even suggest, all of the features of claim 14. Steber does not cure the critical deficiencies set forth above. As such, the combination of Garrett and Steber does not disclose or suggest all of the features of independent claim 14 or dependent claim 25 and therefore does not render unpatentable the presently pending claim.

Withdrawal of the present rejection is therefore respectfully requested.

VI. Allowable Subject Matter

Applicants note with appreciation the indication of allowable subject matter included in claim 26. In this regard, the Examiner will note that claim 26 has been rewritten in independent form. As such, it is respectfully submitted that claim 26 is in condition for immediate allowance.

VII. Conclusion

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

Dated: March 22, 2010

/Clifford A. Ulrich/
By: Clifford A. Ulrich, Reg. No. 42,194 for:
Gerard A. Messina, Reg. No. 35,952

KENYON & KENYON LLP
One Broadway
New York, New York 10004
(212) 425-7200

CUSTOMER NO. 26646